

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

IN RE: :  
ZIMMERMAN, LISA M. : Case No. 11-31436  
Debtor. : Chapter 7  
Judge Guy R. Humphrey

**NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE  
PERSONAL PROPERTY TO DEBTOR AND OPPORTUNITY TO OBJECT**

As set forth below, the Trustee proposes to sell and or dispose to the Debtor certain tangible personal property.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant the Trustee's proposed action, or if you want the Court to consider your views on the Trustee's proposed action, then on or before Twenty One (21) days from the Date of Issuance set forth below, you or your attorney must file a written response in accordance with the Court's local rules and filing procedures.

The Clerk of Court's address is: U.S. Bankruptcy Court Clerks Office, 120 W. Third Street, Dayton, OH 45402.

Copies of the Court's Administrative Procedures for electronic court filings can be found at the following website: <http://www.ohsb.uscourts.gov>

You must file the response early enough so the Court will **receive** it on or before the date stated above.

You must also either electronically serve John Paul Rieser through the court's ECF System or mail a copy to John Paul Rieser at the following address: John Paul Rieser  
7925 Graceland Street  
Dayton, OH 45459-3834

If you or your attorney do not take these steps, the Trustee will take the proposed action without further notice and report the details thereof on the Final Report in this case.

**10/11/2011**

***/s/ John Paul Rieser***

\_\_\_\_\_  
Date of Issuance

\_\_\_\_\_  
John Paul Rieser, Esq.

### **NOTICE OF PROPOSED SALE /DISPOSITION**

Now comes John Paul Rieser, the duly appointed and acting Chapter 7 Trustee in the above captioned case and hereby gives notice pursuant to 11 U.S.C. §§ 363, 554, and 725 that a disposition of tangible personal property will be made to the Debtor in exchange for non-exempt equity, as determined by the Trustee and agreed to by the Debtor.

The property at issue is a 2009 Honda Pilot (“Vehicle”) scheduled by the Debtor. The Debtor scheduled the value of the Vehicle as \$25,500.00. The Trustee determined the value of the Vehicle to be \$27,562.00 based on the average of NADA average trade in value (\$25,250.00) and NADA clean retail (\$29,875.00). From this value, the Trustee deducted (1) Debtor’s exemptions pursuant to O.R.C. § 2329.66 (A)(2) and (18) in the amount of \$4,600.00; (2) the average cost of sale amount of \$462.50<sup>1</sup>; (3) the amount owed on lien (\$19,000.00). The non-exempt equity owed to creditors for the Vehicle is \$3,500.00 and the Debtor has paid this amount to the Trustee. The Trustee believes that disposing of the Vehicle by permitting the Debtor to “buy out” the non-exempt equity herein will produce a net certain recovery to creditors equal to or greater than that which would be obtained from selling the Vehicle at auction or by alternative disposition methods, which have greater transaction costs, take longer, and have no certainty as to result.

**WHEREFORE**, the Trustee now notices creditors and all parties of interest that unless an objection to this Notice is timely filed and served, the Trustee will finalize this proposed disposition as permitted by the Bankruptcy Code, Rules and Local Bankruptcy Rules.

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<sup>1</sup> This condition adjustment is based on Trustee’s experience in selling vehicles at auctions in the current market environment.

Respectfully yours,

**/s/ John Paul Rieser**

John Paul Rieser, Trustee

Rieser & Associates LLC

7925 Graceland Street

Dayton, OH 45459-3834

Phone: (937) 224-4128, Fax: (937) 224-3090

E-mail: tecfdesk@rieserlaw.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE PERSONAL PROPERTY TO DEBTOR AND OPPORTUNITY TO OBJECT** was served this 11th day of October, 2010, on the parties in interest listed on the attached matrix. All parties listed on the attached matrix were served by regular U.S. mail, postage prepaid, with the following exceptions:

- (1) The Trustee is not serving the United States Bankruptcy Court by regular mail because the United States Bankruptcy Court will receive electronic notice of this filing.
- (2) A creditor who is listed by name only, with no mailing address, is not being served with this document. The Trustee is not serving a copy to creditors who have no mailing address listed on the matrix because it is obvious that the Post Office cannot and will not deliver mail without an address, and it would be a waste of estate resources to attempt such delivery. The Trustee will provide a copy of this document or pleading to such creditors upon request from the creditors not receiving service.
- (3) The following parties are not being served by regular mail because they will receive notice of this filing by the court's electronic ECF system:

Asst US Trustee (Day) USTPRegion09.CB.ECF@usdoj.gov

Richard E West bknotice@woh.rr.com

**/s/ John Paul Rieser**

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John Paul Rieser [lrs/707]

Label Matrix for local noticing  
0648-3  
Case 3:11-bk-31436  
Southern District of Ohio  
Dayton  
Mon Oct 10 16:51:47 EDT 2011  
  
United States Bankruptcy Court  
120 West Third Street  
Dayton, OH 45402-1872

(p)AMERICAN HONDA FINANCE  
P O BOX 168088  
IRVING TX 75016-8088

HSBC Bank Nevada, NA  
Bass & Associates, P.C.  
3936 E. Ft. Lowell Rd., Suite 200  
Tucson, AZ 85712-1083

AT&T Universal Card  
PO Box 182564  
Columbus, OH 43218-2564

Allied Interstate  
3000 Corporate Exchange Dr.  
Columbus, OH 43231-7684

American Express  
PO Box 650448  
Dallas, TX 75265-0448

American Express Centurion Bank  
c/o Becket and Lee LLP  
POB 3001  
Malvern PA 19355-0701

Asst US Trustee (Day)  
Office of the US Trustee  
170 North High Street  
Suite 200  
Columbus, OH 43215-2417

Bank of America  
PO Box 15019  
Wilmington, DE 19850-5019

Best Buy/HSBC  
PO Box 4144  
Carol Stream, IL 60197-4144

Capital One Bank  
PO Box 60599  
City of Industry, CA 91716-0599

Capital One Bank USA NA  
American InfoSource LP  
PO Box 248839  
Oklahoma City OK 731248839

Capital One, N.A.  
c/o Creditors Bankruptcy Service  
P.O. Box 740933  
Dallas, TX 75374-0933

Chase  
PO Box 15153  
Wilmington, DE 19886-5153

Chase Bank USA  
PO Box 15153  
Wilmington, DE 19886-5153

Chase Bank USA, N.A.  
PO Box 15145  
Wilmington, DE 19850-5145

Citibank  
PO Box 182564  
Columbus, OH 43218-2564

Dayton Municipal Court  
Civil Division  
301 W. Third Street  
Dayton, OH 45402-1446

Equifax  
PO Box 619054  
Dallas, TX 75261-9054

Equifax  
PO Box 740241  
Atlanta, GA 30374-0241

Experian  
PO Box 2002  
Allen, TX 75013-2002

Extreme Dental Care  
7058 Corporate Way, Suite 3  
Dayton, OH 45459-4243

Extreme Dental Care  
W. Brandon Witters DDS  
7058 Corporate Way, Suite 3  
Dayton, OH 45459-4243

GE Money  
PO Box 960061  
Orlando, FL 32896-0061

GE Money Bank  
c/o Recovery Management Systems Corporat  
25 SE 2nd Ave Suite 1120  
Miami FL 33131-1605

GE Money Bank/Gap  
PO Box 530942  
Atlanta, GA 30353-0942

GEMB/Old Navy  
PO Box 530942  
Atlanta, GA 30353-0942

Genpact Services, LLC  
PO Box 1969  
Southgate, MI 48195-0969

HSBC Bank  
Dept. 9600  
Carol Stream, IL 60128-9600

Javitch, Block & Rathbone  
1100 Superior Ave., 18th Floor  
Cleveland, OH 44114-2518

Kohls  
PO Box 2983  
Milwaukee, WI 53201-2983

Macy's  
PO Box 689195  
Des Moines, IA 50368-9195

Messerli & Kramer  
Attorney at Law  
3033 Campus Drive, Suite 250  
Minneapolis, MN 55441-2662

New York & Company  
PO Box 659728  
San Antonio, TX 78265-9728

Oakwood Municipal Court  
30 Park Ave.  
Dayton, OH 45419-3400

PNC BANK  
PO BOX 94982  
CLEVELAND, OH 44101-4982

PNC Bank  
PO Box 856177  
Louisville, KY 40285-6177

PNC Mortgage  
PO Box 1820  
Dayton, OH 45401-1820

PYOD LLC its successors and assigns as assignee  
Citibank, NA, NA  
c/o Resurgent Capital Services  
PO Box 19008  
Greenville, SC 29602-9008

(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

TransUnion  
PO Box 1000  
Chester, PA 19016-1000

TransUnion Credit Bureau  
PO Box 2000  
Chester, PA 19016-2000

(p)US BANK  
PO BOX 5229  
CINCINNATI OH 45201-5229

United Collection Bureau  
5620 Southwyck Blvd  
Suite 206  
Toledo, OH 43614-1501

WFNNB/The Company Store  
PO Box 659465  
San Antonio, TX 78265-9465

Zwicker & Associates  
2300 Litton Lane, Suite 200  
PO Box 597  
Hebron, KY 41048-0597

John Paul Rieser  
7925 Graceland Street  
Dayton, OH 45459-3834

Lisa Marie Zimmerman  
233 Hadley Ave.  
Dayton, OH 45419-2609

Richard E West  
195 E Central Avenue  
PO Box 938  
Springboro, OH 45066-0938

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

American Honda Finance Corporation  
POB 168088  
Irving, TX 75016-8088

(d)American Honda Finance Corp.  
PO Box 60001  
City of Industry, CA 91716-0001

(d)American Honda Finance Corporation  
P.O. Box 168088  
Irving, TX 75016-8088

Portfolio Recovery Associates LLC  
POB 12914  
Norfolk VA 23541

(d)Portfolio Recovery Associates, LLC  
POB 41067  
Norfolk VA 23541

US Bank  
PO Box 790408  
Saint Louis, MO 63179-0408

(d)US Bank N.A.  
Bankruptcy Department  
POB 5229  
Cincinnati, OH 45201-5229

End of Label Matrix	
Mailable recipients	49
Bypassed recipients	0
Total	49